

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	
<hr/>		CIVIL ACTION: 01-CV-12257-PBS
)
THIS DOCUMENT RELATES TO)	
ALL ACTIONS)	Judge Patti B. Saris
<hr/>)

DECLARATION OF Michael O. Gum,

pursuant to 28 U.S.C. § 1746, declares as follows:

1. I currently hold the position of Director of Pharmacy at The Presbyterian Hospital in Charlotte, North Carolina. I have held this position since February, 2005.

2. My job duties at the hospital include oversight of the Pharmacy, including Purchasing, Billing, Distribution and Policy. I am knowledgeable regarding the manner in which The Presbyterian Hospital bills patients for in-patient and out-patient medical services, including the methods by which the hospital determines charges for medication administered to patients.

3. I have reviewed the hospital's billing records for Susan Ruth Aaronson. In particular, I have reviewed the hospital's charges for carboplatin and paclitaxel.

4. I am not able to determine the National Drug Code ("NDC") for the carboplatin and paclitaxel that was administered to Ms. Aaronson. Accordingly, I am unable to say who manufactured the drugs that were administered to this patient.

5. The Presbyterian Hospital's charge for carboplatin varied between \$1792.25 and \$1476.70 for a 450 mg injection. Presbyterian Hospital charged \$1792.25 for the 450mg carboplatin injection administered to Ms. Aaronson as part of out-patient treatment in July,

August, September and October 2004. Presbyterian Hospital charged \$1476.70 for the 450mg carboplatin injection administered to Ms. Aaronson as part of out-patient treatment in November 2004.

6. The Presbyterian Hospital's charges for the carboplatin administered to Ms. Aaronson in 2004 -- whether as part of her in-patient or out-patient treatment -- were not based on Average Wholesale Price ("AWP").

7. Ms. Aaronson's records also indicate that she received paclitaxel as part of out-patient treatment at Presbyterian Hospital. Presbyterian Hospital's charge for the paclitaxel administered to Ms. Aaronson in July, August, September, October and November 2004 was \$501.00 for a 100 mg injection.

8. In two instances, one in November 2004 and the other in December 2004, Ms. Aaronson's records indicate that Presbyterian Hospital charged \$442.15 for 130 mg of paclitaxel (in these two instances Ms. Aaronson's records indicate that she received two paclitaxel injections -- a 100mg paclitaxel injection and a 30mg paclitaxel injection).

9. The Presbyterian Hospital's charges for the paclitaxel administered to Ms. Aaronson in 2004 -- whether as part of in-patient or out-patient treatment -- were not based on Average Wholesale Price ("AWP").

I declare under penalty of perjury that the foregoing statement is true and correct.

Executed on this 23rd day of March, 2006.

Michael B. Carrick
Notary

Michael O. Gum

Michael O. Gum, PharmD
Director of Pharmacy

My Commission Expires 1-4-2009